(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Civil Application No.1585 of 2004
In
Writ Petition No.5481 of 1990

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri S.G.Vakil for the applicants.

Ms Asha M.Bhambwani for respondent Nos.3.

CORAM : R.M.S.KHANDEPARKAR, J

DATED : 2nd November, 2004

P.C.

1. On oral request by the learned advocate for the applicants, name of the respondent No.4 is allowed to be deleted. Amendment to the cause title of the petition be carried out forthwith.

2. Heard the learned advocate for the applicants and the respondent No.3.

3. None present for the respondent No.1, though served. Undisputedly, the respondent No.2 has expired.

4. Considering the facts disclosed in the application, as there was sufficient cause for the advocate for the petitioners not to appear in the matter when it was called out and dismissed for default on 8th June, 2004, the order of dismissal of the writ petition for default is hereby recalled and the writ petition is restored to the board. Needless to say that the restoration shall be excluding the respondent No.4 as in view of the deletion from the present application. The name of the respondent No.4 in the writ petition would also stand deleted.

5. The writ petition No.5481 of 1990 is accordingly restored to the board and to be listed for final hearing. The application stands disposed of.